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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,016	6 08/01/2003		Richard Hsiao	SJO9-2000-0067US2	4732
32112	7590	09/01/2004		EXAMINER	
		OPERTY LAW	TUPPER, ROBERT S		
	BASCOM AVENUE, SUITE 660 ELL, CA 95008			ART UNIT	PAPER NUMBER
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DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinate of time may be available under the previous of 3 CFR 1.13(a). In no event, however, may a roply be limitely filed Examinate of time may be available under the previous of 3 CFR 1.13(a). In no event, however, may a roply be limitely filed If the period for reply sepacified above is lives be than thirty (30) days, a roply visible in the maileg date of this communication of the period of the spike specified above is lives than thirty (30) days, a roply visible in the maileg date of this communication. Fellulate to reply within the set or extended period for legals with, by a fault time reliable date of the communication of the communication of the communication of the communication of the communication. Fellulate the reliable date is the communication, even if timely filed, may reduce any accordance to the communication of the communication		Application No.	Applicant(s)					
Robert S Tupper	Office Action Comments	10/633,016	HSIAO ET AL.					
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provious of 30°CR 113(a)s), in no event, however, may a reply be timely filed after 5X (5) MONTHS from the mailing date of this communication. If the sertical may be such action is less than this communication. If the sertical may be such action is less than this communication. If the sertical may be such action is less than this communication. If the sertical may be such action is less than this communication. If the sertical may be such action is the sertical transport of the sertical communication is the sertical communication. Failure to raph visition is east or extended period for reply will, by a statute, cause the application to become ABANDONED (38 U.S. C. § 133). Any reply coeffied by the Citic later than these models and the three mailing date of this communication, even if timely filed, may reduce any seasonal patient term adjustment. See 37 CFR 1.794(b). Status 1) Responsive to communication(s) filed on Q1 August 2003. 2a) This action is FINAL. 2b) This action is FINAL. 2c) This action is FINAL. 2d) Claim(s) 19-22 and 27-30 is/are pending in the application. 4a) Claim(s) 19-22 and 27-30 is/are rejected. Claim(s) 19-22 27 and 28 is/are rejected. Claim(s) 19-22 27 and 28 is/are rejected. Claim(s) 19-22 27 and 28 is/are rejected to. Claim(s) 19-22 27 and 28 is/are rejected to. Claim(s) 21-22 29 and 30 is/are objected to. Claim(s) 19-22 27 and 28 is/are rejected to. Claim(s) 19-22 27 and 28 is/are rejected to. Claim(s) 21-22 29 and 30 is/are objected to. Claim(s) 19-22 27 and 28 is/are communication. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 07 August 2003 is/are: a) accepted or b) objected to by the Examiner. Application Papers 10) And the drawing(s) filed on 07 August 2003 is/are: a) accepted or b) objected to by the Examiner. Application Papers 11) A	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
1) Responsive to communication(s) filed on <i>Q1 August 2003</i> . 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 19-22 and 27-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 19.20.27 and 28 is/are rejected. 7) Claim(s) 21.22.29 and 30 is/are objected to. 8) Claim(s) 21.22.29 and 30 is/are objected to. 8) Claim(s) 21.22.29 and 30 is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Altachment(s) 1) Notice of Parlsperson's Patent Drawing Review (PTO-948)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
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1. Claims 19, 20, 27, and 28 are rejected under 35 USC 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The disclosure relating to the pole structure invention clearly indicates that tantalum is only used in the "two part" seed layer configuration (see page 12 line 17-page 13 line 3). There is no disclosure of the use of tantalum where the seed layer is a single layer (see page 10 lines 17-23).

These claims are inadequately disclosed under 112 par.1 if read to encompass the use of tantalum by itself or the seed layer.

Alternatively, these claims are indefinite, misleading, and misdescriptive under 112 par.2 for failing to clearly indicate the configuration of the seed layer.

- 2. Claims 21, 22, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

SASKI, ROTTMAYER et al, and SHUKOVSKY et al are cited for their showings of pole structures.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert S Tupper whose telephone number is 703-308-1601. The examiner can normally be reached on Mon - Fri, 6:00 AM - 3:30 PM (first Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert S Tupper Primary Examiner Art Unit 2652

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